

Paul Blanch Presentation to

VSNAP
February 22, 2011
Vernon Vermont

Tonight I am briefly going to discuss VY's Preemption, Nuclear Safety, Regulatory deficiencies (cables and pipes), and finally what I believe the State of Vermont need to do to assure adequate protection to its citizens.

Preemption

I believe preemption is a necessary evil in some limited situations such as national security, bridges and highways and even nuclear plants however **with preemption comes a responsibility** of the US Government to assure the States and the public that there is reasonable assurance of protection to the general public.

For nuclear plants Congress has granted this public trust to the NRC that reasonable assurance of safety is provided by compliance with NRC Regulations (10 CFR). Vermont Yankee is not in compliance with many of the most vital NRC Regulations

The NRC has publically admitted that VY (Gundersen/Blanch 2004 petition) is not in compliance with regulations in place at the time the operating license was initially granted. (10 CFR 50, Appendix A). The NRC has no idea of the applicable regulations and the NRC Reactor Oversight Process (ROP) provides NO assurance of regulatory compliance.

Further the NRC has acknowledged that VY is not in compliance with about 10 NRC regulations as pertaining to inaccessible cables and splices alone.

The NRC is unable to identify the applicable regulations to VY or any other nuclear plant in the USA. This statement is well documented by the ASLB for Indian Point and is also the case with VY.

Without a clear and comprehensive document stating which NRC regulations Vermont Yankee is in compliance with (see ASLB comment on Indian Point relicensing), it is extremely difficult to determine the extent to which the plant is being run safely. As a result of vague and inconsistent application of nuclear safety regulations, we (public, State and the NRC) cannot make an accurate assessment of its hazards, and we are convinced that neither state nor federal regulators can do so either.

We believe the State of Vermont should demand the NRC state clearly and unequivocally (a) those regulations with which VY is expected to comply AND the state of its current compliance with those regulations AND the risk of all identified non-compliances.

If the NRC/Entergy attempt to impose preemption as an excuse to continue operating after the expiration of its present license, I firmly believe it is the responsibility of the State of Vermont to assure that all applicable regulations are clearly identified and all deviations from these applicable regulations are assessed for the risk to the general public.

I, along with New England Coalition seek the active involvement of the DPS in advocating identification and restoration of Entergy Vermont Yankee's licensing basis (compliance with NRC Regulations) for the duration of its original license term and beyond, if the plant continues to operate.

We believe the Vermont Governor, the DPS and VSNAP have a clear obligation to its citizens to assure that Vermont Yankee is operated safely and if the NRC refuses (as in the past) to provide this assessment, then it must be the responsibility of the State to conduct this assessment.

At the base of the table we have prepared four clear examples from VY's recent history where we believe the NRC has been shown that Entergy VY is not operating in compliance with its licensing basis or NRC regulations AND yet NRC refuses to enforce the regulations agreed to when the plant was licensed; a net reduction in safety that is unacceptable to us and which should be unacceptable to NRC.